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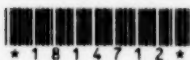
Written statement* submitted by ODHIKAR - Coalition for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Bangladesh: Rampant disregard for human rights through extrajudicial killings in the “War on Drugs”

Dhaka, 20 August 2018: Odhikar calls the attention of the Human Rights Council to the rising trend of extrajudicial executions in Bangladesh. Under the pretext of a “War on Drugs”, the incumbent government of Bangladesh has escalated extrajudicial killings in the country as a means of eliminating opposition activists and silencing critics through fear, in an attempt to secure uncontested victory in the upcoming general elections scheduled for the end of 2018.

Extrajudicial executions have been increasingly carried out by law enforcement agencies since 2004 and successive governments have only encouraged this process while affording impunity to the perpetrators. Law enforcement agencies have been encouraged to commit these killings on hire by the government, sometimes rewarded with monetary payments and a complete lack of accountability for their actions. Reported incidents show that law enforcement personnel are being used to carry out assassinations that guarantee the elimination of political rivals, or for settling financing disputes.

Adding fuel to the fire, on 3 May 2018, Prime Minister Sheikh Hasina ordered the Rapid Action Battalion (RAB) to conduct a nation-wide, anti-drug operation. Furthermore, she had “given special responsibility to all law enforcement agencies, intelligence agencies and RAB,” stating that “stern action will be taken against drug dealers and [we] are taking such stern action”¹. These ‘stern actions’ have manifested into extrajudicial executions.

The aftermath of this decision has led to a wave of executions, with 129 killings between 15 May and 30 May alone. When accounting for June and July, the numbers rose by 63.6%, with 38 and 44 reported deaths, respectively, as a result of this ‘anti-drug drive’ by law enforcement agencies. 138 of these cases were conducted by the police, and 56 by the Rapid Action Battalion (RAB). The joint operations by the Detective Branch of Police (DB) and Border Guards Bangladesh (BGB) and RAB are responsible for the rest. To date, there have been 211 deaths related to the ‘War on Drugs’.²

According to police and RAB, the victims were killed in ‘gunfights’ with law enforcement, while allegedly engaged in drug peddling. They have often claimed that firearms and drugs were seized from the scenes. While officials of law enforcement agencies have asserted that the victims were indeed ‘drug peddlers,’ several families of the deceased have challenged these allegations.

One pertinent case is that of Bangladesh National Party (BNP) activist Alamgir Hossain Badsha. On 23 July 2018, Badsha was picked up from his home, following which his whereabouts remained unknown to his family. He was later allegedly shot dead by RAB in Sonargaon, under Narayanganj district on 24 July. RAB claimed that Badsha had been killed in a counterattack during an anti-drug drive, and only informed his family the next day. His wife, Suraiya Begum asserts that Badsha was not a drug peddler.³

The motivation for extrajudicial killings were exposed the case of Samar Krishna Chowdhury, a lawyer’s assistant, who was taken from Chittagong Court Building area to the local police station on 27 May 2018. Samar was picked up by a group of police officers, led by Sub-Inspector (SI) Arifur Rahman of Boalkhali Police Station, and handcuffed and blindfolded at around 1:30 am, by SI Atiqullah and SI Arifur Rahman. He was then taken to Charandwip Union in a van, where policemen removed his restraints and commanded him to run for his life. Fearing that this would lead to his death by “crossfire”, Samar refused to run. SI Arif received a phone call, following which Samar was taken back to the police station, where photos were taken of him with illegal Yaba (narcotics) pills and a firearm. Police later reported that he had been arrested in two cases: one over the recovery of Yaba pills, and the other over possession of the firearm.

¹ Human Rights Monitoring Report, Odhikar, May 2018/ http://odhikar.org/wp-content/uploads/2018/06/human-rights-monitoring-report-May-2018_Eng.pdf

² Human Rights Monitoring Report on Bangladesh, Odhikar, July 2018/ http://odhikar.org/wp-content/uploads/2018/08/human-rights-monitoring-report-July-2018_Eng.pdf

³ The Daily Star, 20 July 2018, <https://www.thedailystar.net/backpage/they-asked-me-run-1608313>

Samar, who was freed on bail in July, told reporters that police tortured him at the police station before attempting to kill him in “shootout”⁴.

One of the most controversial cases of extrajudicial killing was that of Ekramul Haque, Councilor of Teknaf Municipality. On 26 May 2018, at approximately 1:00 am, Ekramul Haque was killed in what was described (by RAB) as a ‘gunfight’ between RAB and drug peddlers in Cox’s Bazaar. RAB alleged that Haque was a wanted drug dealer who stood accused in two narcotics cases. However, the first case, filed in 2008, was dismissed by the court; and a report that cleared him of charges, had already been provided by the police for the second case. Contradictory versions about his involvement in drug dealings soon emerged; for example, Soman Mondol, Assistant Director of the Department of Narcotics Control (DNC) in Cox’s Bazar, commented: “As far as I know, the DNC did not file any case against Ekramul Haque”.⁵ Other testimonies that enhanced the uncertainty surrounding the purported allegations came from Haque’s brother, who stated that Haque had no links to the Yaba trade whatsoever. His wife, Ayesha Begum even demanded that RAB produce evidence to support their allegations (which have yet to surface). His family also provided a number of audio recordings, in which he can be heard talking to his daughter over a series of mobile phone calls, before a number of gunshots and screams of pain ensued, followed by discussions among the perpetrators regarding planting of the evidence.⁶ Likewise, several locals –the president of Teknaf Municipality unit of Awami League, Javed Iqbal Chowdhury– also denied being aware of Haque’s involvement in the Yaba trade.

For a fortnight, this incident was joined by a slew of extrajudicial killings of alleged drug dealers in so-called ‘shootouts’ with RAB and the police. These events, together with 1796 other incidents of extrajudicial killings since 2009 to July 2018⁷, demonstrate a consistent trend of extrajudicial killings under various, often staged, pretexts.

It is unlikely that there will be an end to these unlawful executions in the foreseeable future. The cases cited above offer only a cursory glimpse into the systematic disregard for law. Institutional inefficiency in safeguarding rights and the inability to afford redress, clearly indicates the extent of incomppliance, as political and financial interests have rejected any form of deference to human rights obligations. Under the guise of its vested interests towards “fighting extremism or militancy” and “extending generosity to the Rohingya refugees from Myanmar”– both efforts that have enjoyed applause from the international community and hoisted Bangladesh as an emblematic upholder of human rights in the global eye –the government has been able to mask scrutiny of its numerous grave human rights violations, including enforced disappearances and extrajudicial executions.

The political ramifications of these extrajudicial killings have been made all the more apparent in light of the farcical general elections of January 2014, in which the ruling party won more than half of the available parliamentary seats uncontested and thus extended Prime Minister Sheikh Hasina’s term in office. In an effort to reproduce the results, the Prime Minister remains indifferent to the people’s and opposition parties’ demands for a credible and inclusive general election under an independent caretaker government. Dissent is being silenced through extrajudicial killings and instilling fear. Moreover, there is no local institution before which the government can be held accountable, as no “opposition” currently exists in Parliament. Accordingly, the incumbent government, lacking true democratic legitimacy without the people’s mandate, relies on the use of lethal force of its law enforcement agencies to muzzle any voice of dissent.

Recommendations:

1. Odhikar urges the UN Human Rights Council to assess Bangladesh’s domestic human rights situation comprehensively and break the system of abuse that has taken root within the bedrock of the nation through urgent intervention.
2. Establish an independent commission and thoroughly and impartially investigate all allegations of extrajudicial killing and prosecute the perpetrators by ensuring justice.

⁴ Ibid

⁵ The Daily Star, 28 May 2018, <https://www.thedailystar.net/frontpage/teknaf-al-leader-killed-crackdown-1582528>

⁶ Dhaka Tribune, 3 June 2018, <https://www.dhakatribune.com/bangladesh/law-rights/2018/06/03/what-was-in-the-audio-clips>

⁷ Odhikar documentation available at <http://odhikar.org/statistics/killed-by-law-enforcement-agencies/>

3. Ensure access to justice to victims and disadvantaged groups, in order to curb impunity for extrajudicial killings and prevent their recurrence.
 4. The government must allow the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country as per his mandates to address the present climate by bringing the perpetrators to justice and preventing the recurrence of such reprehensible crimes against humanity in the future.
 5. Law enforcement agencies must be urged to follow international guidelines as defined in both the "Basic Principles on the use of Force and Firearms by Law Enforcement Officials" and the "UN Code of Conduct for Law Enforcement Officials".
 6. The government must follow the recommendations to end torture and extrajudicial deaths, as put forth by the UN Human Rights Committee during its 119th session.
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